

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

SIZMEK INC., *et al*,

Debtors.

Chapter 7

Bankr. Case No. 19-10971 (DSJ)

(Joint Administered)

NOTICE OF MOTION

10FN, INC.,

Plaintiff,

- against -

CERBERUS BUSINESS FINANCE, LLC,
PEPI CAPITAL, L.P., KEN SAUNDERS,
ANDREW BRONSTEIN, SASCHA
WITTLER, and MARK GREETHER,

Defendants

Adv. Proc. No. 21-01160 (DSJ)

District Court Case No.
1:21-cv-05996-VEC

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant Cerberus Business Finance, LLC and Pepi Capital L.P.'s Motion To Dismiss The Amended Complaint and Defendants Mark Grether and Sascha Wittler's Cross Claims, and upon all prior proceedings had herein, Defendants Cerberus Business Finance, LLC and Pepi Capital L.P., by and through their undersigned attorneys, will move this Court before the Honorable Valerie Caproni, at the United States Courthouse for the Southern District of New York located at 40 Foley Square, New York, New York, 10007, on a day and time to be determined by the Court for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil

Procedure dismissing the Amended Complaint and Cross Claims against Cerberus Business Finance, LLC and Pepi Capital L.P., with prejudice, and granting any such further relief as this Court deems just and proper.

Dated: New York, New York
April 22, 2022

SCHULTE ROTH & ZABEL LLP

By: /s/ Andrew D. Gladstein

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